

(2018) 05 CHH CK 0214

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 2894 Of 2018

Tushant Pandey @ Chhotu
Pandey

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: May 25, 2018

Acts Referred:

- Indian Penal Code, 1860 - Section 366A, 376
- Code Of Criminal Procedure, 1973 - Section 439
- Protection Of Children From Sexual Offences Act, 2012 - Section 4, 6

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Vineet Kumar Pandey, Gary Mukhopadhyay

Final Decision: Allowed

Judgement

1. Heard.

2. The applicant has preferred this application filed under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime

No.378/2017 registered in Police Station Kharsiya, District Raigarh (CG) for the offence punishable under Sections 366A & 376 of the Indian Penal

Code and Sections 4 & 6 of the Protection of Children From Sexual Offences Act, 2012.

3. Case of the prosecution, in brief, is that the present applicant is said to have enticed and abducted the prosecutrix; taken her to different places and in the said course, the present applicant is also said to have developed physical relations with the prosecutrix.

4. Learned counsel appearing for the applicant would submit that a plain reading of the statement of the prosecutrix would manifest that the present applicant has never used any force for abducting the prosecutrix. He would further submit that the statement of the prosecutrix would reveal that she had voluntarily gone with the present applicant. Counsel would next submit that the contents of the statement of prosecutrix also show that there was a love affair between the applicant and the prosecutrix; they have eloped from her house and subsequently the prosecutrix was recovered by the parents.

5. On the other hand, learned counsel appearing for the State would oppose the application for grant of bail. Learned State counsel would submit that the age of the prosecutrix goes against the applicant inasmuch the prosecutrix in the instant case was aged about 14 years and, as such, even if there was a love affair between the applicant and the prosecutrix, the same is of no assistance to the applicant, therefore, the bail application deserves to be dismissed.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case; further considering the fact that the applicant is in jail since 27-2-2018; also taking note of the fact that the applicant being teenager and the statement of the prosecutrix shows that there was a love affair between the two and they had willingly & voluntarily eloped from the house of the prosecutrix, this Court is inclined to release him on bail. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.